

**REMARKS**

Claims 1-30 are currently pending in the subject application and are presently under consideration. Claims 1-5, 11, 12, 15, 23, 24, 26 and 27 have been amended as shown at pages 2-5 of the Reply.

Applicants' representative thanks Examiners Oyeibisi and Anderson for the courtesies extended during the telephonic interview conducted on March 5, 2008. Examiners were contacted to discuss the claim rejections under 35 U.S.C. §102(b) and 35 U.S.C. §103(a). During the interview a set of amendments were presented to overcome the rejections identified in the Office Action. These amendments have been incorporated into the claims as shown above. Examiner indicated that further search and consideration was required to determine if the claims would be allowed over the cited prior art.

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

**I. Rejection of Claims 1-8, 10-30 Under 35 U.S.C. §102(b)**

Claims 1-8, 10-30 stand rejected under 35 U.S.C. §102(b) as being anticipated by Underwood (US Pat No.: 6,718,535). It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Underwood does not teach each and every element the subject claims.

For a prior art reference to anticipate, 35 U.S.C. §102 requires that "each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950 (Fed. Cir. 1999) (quoting *Verdegaal Bros., Inc. v. Union Oil Co.*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)).

The subject claims relate to employing a key performance indicator(KPI) specifying document that can be employed to query appropriate database and generated a resulting document formatted according the definitions in the KPI document. In particular, independent claim 1 recites *a client device user interface component; a processor component that receives KPI identification information from the interface component for one or more KPIs and generates*

*a KPI document, wherein the KPI document identifies the one or more KPIs to be retrieved based upon identification information received from the interface component and information identifying how to retrieve each KPI; and a query component that employs the KPI document to retrieve KPI information from one or more data stores, generate a result document, and transfer the result document back to the interface component.*

Underwood does not teach or suggest the aforementioned novel features as recited in the subject claims. Underwood discloses an activity framework for an E-commerce system. The cited reference briefly mentions performance indicators at a few location in the specification. However, the sections merely state that performance reports are generated, but fails to disclose the KPI document that is generated and used as a specifying document in order to query the database(s) and generate the result document. For example, column 303, lines 3-6 are cited as teaching this feature. This section states “Each group may have a role in performance management. The Fault management group collects statistics, and generates reports on Key Performance Indicators (KPI's).” The section clearly does not disclose a KPI document that is used as an input to specify how to retrieve the KPIs and generate the resulting performance report. Therefore, Underwood fails to teach all of the limitations of the subject claim.

Independent claim 12 recites *means for receiving information associated with user desired KPIs from a client device; means for creating a KPI document based upon the user desired KPIs, wherein the KPI document defines for each KPI: a KPI name, one or more query expressions for retrieving the KPI, a database to query, and display definition for the KPI; and means for utilizing the KPI document to query one or more data stores and generate a result document from the query results, and transmitting the result document back to the client device.* As discussed above, Underwood does not disclose a KPI document that is employed as an input to retrieving KPIs. Furthermore, the subject claim discloses that the KPI document defines for each KPI: a KPI name, one or more query expressions for retrieving the KPI, a database to query, and display definition for the KPI. Underwood is silent regarding these definitions for each KPI in a KPI document and therefore fails to teach every element of the subject claim.

Independent claim 14 recites *receiving data from a client device specifying KPIs of interest; generating a KPI document from the received data; querying one or more data stores utilizing data provided in the KPI document; and generating a result document from the query*

*results.* As noted *supra*, Underwood is silent regarding a KPI document that is utilized for querying data stores for KPIs and thus does not teach all of the elements of the subject claim.

Independent claim 23 recites *receiving data specifying performance indicators of interest; generating a KPI document from the received data; querying at least one remote data store for metric data based upon database connection data from the KPI document; and generating a result document containing metric data for a plurality of columns related to one or more performance indicators.* Underwood fails to teach a KPI document as disclosed in the subject claim that is used to query a database for KPIs. Hence, the cited reference does not disclose all features of the subject claim.

Claim 2 recites *wherein the KPI document comprises database name, connection string, and KPI name for each KPI.* Underwood is silent regarding a KPI document that defines database name, connection string, and KPI name for each KPI and thus fails to disclose the limitations of this claim.

Claim 3 recites *wherein the KPI document comprises text and graphical display parameters for each KPI.* Underwood does not disclose a KPI document that defines display parameters for each KPI. As such, the cited reference does not disclose the elements of the subject claim. Additionally claim 27 recites *wherein the KPI document specifies display definitions for one or more performance indicators.* For the reasons discussed above, Underwood also fails to teach the limitations of this claim.

Claim 4 recites *wherein the KPI retrieval information includes a filter component specifying a subset of data to be utilized to generate a KPI metric.* The subject claim allows for the specification of filtering information to determine a subset of data to employ when generating a KPI metric. Contrary to assertions in the Office Action, Underwood does not teach this feature. Column 280, lines 50-56 which states “Unlike packet filters and circuit proxies, application gateways (AG) inspect the data portion of the packets and make security decisions based on the nature of the application. Operating at the top of the TCP/IP protocol stack, application gateways take users' requests for Internet services (such as FTP and Telnet) and forward them, as appropriate, according to security policy, to the actual services.” This section is related to network gateway that enforces security policies. This section is silent regarding a filter that specifies a subset of data to employ in generating a KPI. Column 300, lines 35-39 is also cited which states “The displayed information may also be filtered based on criterion. The

criterion may be selected by the user or be a predetermined group of criterion for reporting purposes. The following material provides a more detailed description of the above-described method.” This section merely discloses a display filter for filtering displayed information. This merely affects which information will be displayed and does not impact the underlying computation of the information. The section does not disclose a filter which determines which subset of data will be used to generate a KPI. Filtering which data is used to generate the KPI impacts the computation of the resultant KPI. Underwood fails to teach this novel feature of the subject claim. Additionally, claim 24 recites *wherein the KPI document comprises specifying a subset of data to be utilized to generate a performance indicator*. For the reasons discussed above, Underwood also fails to disclose the features of claim 24.

Claim 11 recites *wherein the data store is a multidimensional OLAP database*. Multidimensional OLAP databases contain pre-computed information in the data cube. Underwood fails to disclose this type of database. Column 122, lines 38-44 are cited as teaching this feature. On the contrary, this section states “Virtual Reality--A virtual reality or a virtual environment interface takes the idea of an image map to the next level by creating a 3-dimensional (3-D) environment for the user to walk around in.” This merely discloses a graphical user interface that is a 3-D virtual environment and is completely unrelated to multidimensional OLAP databases. As such, Underwood fails to teach the elements of claim 11.

Claim 15 recites *further comprising retrieving query expressions from a data store and utilizing the query expressions to query the data store for one or more KPIs*. This subject claim discloses that the data store can contain the expressions that are utilized to retrieve the KPI. This allows for the client to avoid having to understand the specific expressions needed to query for the KPI. Underwood does not teach this novel feature of the subject claim. Column 124, lines 5-17 and 21-26 are cited as teaching this feature. These sections disclose the processing of business logic in order to control the flow of business events and user requests. The term “expression” is used in the context of business rules. The section is silent regarding query expressions that are stored in the data store and utilized for querying the KPIs as disclosed in the subject claim. In addition, claim 26 recites *wherein the KPI document is utilized to retrieve query expressions for generating performance indicator metrics, wherein the query expressions are stored in a database*. For the reasons noted above, Underwood also fails to teach the limitations of claim 26.

In view of the foregoing, applicants' representative respectfully submits that Underwood fails to teach or suggest all limitations of independent claims 1, 12, 14, and 23 (and claims 2-8, 10, 11, 12, 15-22, and 24-30 that depend there from), and thus fails to anticipate the subject claims. Accordingly, withdrawal of this rejection is respectfully requested.

## **II. Rejection of Claim 9 Under 35 U.S.C. §103(a)**

Claim 9 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Underwood R, (US Pat No.: 6,718,535) in view of Gelvin *et al* (US Pat No. 6,735,630). It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Underwood and Gelvin *et al*, alone or in combination do not teach each and every element of applicants' invention as recited in the subject claim.

Claim 9 depends from independent claim 1. As noted *supra*, Underwood does not teach or suggest each and every element of the subject invention as recited in this independent claim, and Gelvin *et al* fails to make up for the aforementioned deficiencies of these cited references. Gelvin *et al* discloses a wireless network for integrating access to sensors, controls, and processors embedded in remote equipment. Gelvin *et al*. is silent regarding *a client device user interface component; a processor component that receives KPI identification information from the interface component for one or more KPIs and generates a KPI document, wherein the KPI document identifies the one or more KPIs to be retrieved based upon identification information received from the interface component and information identifying how to retrieve each KPI; and a query component that employs the KPI document to retrieve KPI information from one or more data stores, generate a result document, and transfer the result document back to the interface component.*

In view of at least the foregoing discussion, applicant's representative respectfully submits that Underwood and Gelvin *et al.*, alone or in combination fail to teach or suggest all limitations as recited in independent claim 1 (and claim 9 that respectfully depends there from), and thus fails to make obvious the subject claimed invention. Accordingly, withdrawal of this rejection is respectfully requested.

**CONCLUSION**

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [MSFTP597US].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

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